

AMENDED IN SENATE JUNE 17, 2013

AMENDED IN ASSEMBLY APRIL 18, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 1089**

---

**Introduced by Assembly Member Ian Calderon**  
**(Coauthors: Assembly Members Brown, Maienschein, Ting, and Wilk)**

February 22, 2013

---

An act to add Section 56426.10 to the Education Code, to amend Section 95014 of the Government Code, and to amend Sections 4514 and 4643.5 of the Welfare and Institutions Code, relating to foster care.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1089, as amended, Ian Calderon. Foster care.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and support to individuals with developmental disabilities and their families. The services and supports to be provided to a regional center consumer are contained in an individual program plan or individualized family service plan developed in accordance with prescribed requirements.

Existing law also provides that if a consumer is or has been determined to be eligible for services by a regional center, he or she shall also be considered eligible by any other regional center if he or she has moved to another location within the state. In addition, existing law provides that whenever a consumer transfers from one regional center catchment area to another, the level and types of services and supports specified

in the consumer's individual program plan shall be authorized and secured, as specified.

Existing law also requires an early education program provided by a local ~~education~~ *educational* agency to include services specially designed to meet the unique needs of children with exceptional needs from birth to 3 years of age and their families.

This bill would specify the transfer procedures that would apply when ~~children~~ *a consumer of regional center services* who ~~have~~ *has* an order for foster care, ~~are~~ *is* awaiting foster care placement, or ~~are~~ *is* placed in out-of-home care, and other consumers of regional center services and supports, ~~transfer care transfers~~ between regional centers or local education agencies, or from a local education agency to a catchment area where there are no services, as specified. ~~Among other things, the bill would provide that these consumers shall have the right to receive comparable early intervention services from the new catchment area's regional center, regardless of whether the person has been deemed eligible for provision of and payment for early intervention services through the regional center. The educational agencies. Among other things, the bill would require the county social worker or county probation officer to immediately send a notice of relocation, as defined, to the sending regional center to notify the receiving regional center of the relocation, and would require the sending regional center to immediately send a notice of transfer, as defined, to the receiving regional center, as specified. The bill would specifically provide that these procedures and timelines apply to local educational agencies. By imposing new duties and a higher level of service on local entities county employees, the bill would impose a state-mandated local program.~~

Existing law generally provides that information and records obtained in the course of providing intake, assessment, and services to persons with developmental disabilities are confidential. Existing law authorizes the release of the information and records to specified persons and entities.

This bill would provide that a consumer of regional services, or an infant or toddler receiving early intervention services, who meets specified criteria is entitled to a complete copy, *or any requested portion thereof*, at no charge, of his or her regional center records upon presenting to the regional center a written request stating that the records are needed to support an application or appeal regarding eligibility for a public benefit program. The bill would also authorize the release of

the information and records to a person appointed as the education rights holder for an infant or toddler who is eligible to receive services.

The bill would include a statement of legislative findings and declarations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) Children in foster care are at increased risk for serious
- 3 developmental delays and disabilities as a result of abuse, neglect,
- 4 and prenatal exposure to drugs.
- 5 (b) Timely and consistent provision of quality remediation and
- 6 therapeutic services for children with developmental delays and
- 7 disabilities, such as those provided by California's regional centers,
- 8 have been shown to greatly improve outcomes for these children.
- 9 Unfortunately, children in foster care are at increased risk for a
- 10 disruption in services due to frequent placement changes. These
- 11 disruptions cause dramatic setbacks in a child's development and
- 12 well-being.
- 13 (c) It is imperative that children in foster care be protected from
- 14 interruptions in their developmental services, and thus, a clear set
- 15 of timelines for the transfer process from one regional center's
- 16 catchment area to another's is needed.
- 17 SEC. 2. Section 56426.10 is added to the Education Code, to
- 18 read:
- 19 56426.10. (a) The transfer procedures and timelines, as
- 20 provided under subdivision (d) of Section 4643.5 of the Welfare
- 21 and Institutions Code, shall apply if ~~either of all of~~ the following
- 22 ~~apply to a child:~~ conditions are met:
- 23 (1) ~~If all of the following apply to a child:~~
- 24 (A)

1 (a) The child is under three years of age.

2 ~~(B)~~

3 (b) The child has solely low-incidence disabilities.

4 ~~(C)~~

5 (c) The child is receiving services under this part.

6 ~~(D)~~

7 (d) The child has ~~(i)~~ (1) an order for foster care placement, ~~(ii)~~  
8 (2) is awaiting foster care placement, or ~~(iii)~~ (3) is placed in  
9 out-of-home care through voluntary placement as defined in  
10 subdivision (o) of Section 11400 of the Welfare and Institutions  
11 Code.

12 ~~(E)~~

13 (e) The child transfers between local ~~education~~ *educational*  
14 agencies.

15 ~~(2) If an infant or toddler described in subparagraphs (A) to (D),~~  
16 ~~inclusive, of paragraph (1) transfers from a local education agency~~  
17 ~~to a catchment area where there are no services available for the~~  
18 ~~infant or toddler through the local education agency.~~

19 ~~(b) Pursuant to subdivision (d) of Section 4643.5 of the Welfare~~  
20 ~~and Institutions Code, pending the development of a new~~  
21 ~~individualized family service plan, a child described in paragraph~~  
22 ~~(2) of subdivision (a) shall have the right to receive comparable~~  
23 ~~early intervention services according to his or her current~~  
24 ~~individualized family service plan from the new catchment area's~~  
25 ~~regional center, regardless of whether the child has been deemed~~  
26 ~~eligible for provision of and payment for early intervention services~~  
27 ~~through the regional center.~~

28 SEC. 3. Section 95014 of the Government Code is amended  
29 to read:

30 95014. (a) The term “eligible infant or toddler” for the  
31 purposes of this title means infants and toddlers from birth through  
32 two years of age, for whom a need for early intervention services,  
33 as specified in the federal Individuals with Disabilities Education  
34 Act (20 U.S.C. Sec. 1431 et seq.) and applicable regulations, is  
35 documented by means of assessment and evaluation as required  
36 in Sections 95016 and 95018 and who meet one of the following  
37 criteria:

38 (1) Infants and toddlers with a developmental delay in one or  
39 more of the following five areas: cognitive development; physical  
40 and motor development, including vision and hearing;

1 communication development; social or emotional development;  
2 or adaptive development. Developmentally delayed infants and  
3 toddlers are those who are determined to have a significant  
4 difference between the expected level of development for their  
5 age and their current level of functioning. This determination shall  
6 be made by qualified personnel who are recognized by, or part of,  
7 a multidisciplinary team, including the parents. A significant  
8 difference is defined as a 33-percent delay in one developmental  
9 area before 24 months of age, or, at 24 months of age or older,  
10 either a delay of 50 percent in one developmental area or a  
11 33-percent delay in two or more developmental areas. The age for  
12 use in determination of eligibility for the Early Intervention  
13 Program shall be the age of the infant or toddler on the date of the  
14 initial referral to the Early Intervention Program.

15 (2) Infants and toddlers with established risk conditions, who  
16 are infants and toddlers with conditions of known etiology or  
17 conditions with established harmful developmental consequences.  
18 The conditions shall be diagnosed by—~~a~~ qualified personnel  
19 recognized by, or part of, a multidisciplinary team, including the  
20 parents. The condition shall be certified as having a high  
21 probability of leading to developmental delay if the delay is not  
22 evident at the time of diagnosis.

23 (b) Regional centers and local educational agencies shall be  
24 responsible for ensuring that eligible infants and toddlers are served  
25 as follows:

26 (1) The State Department of Developmental Services and  
27 regional centers shall be responsible for the provision of  
28 appropriate early intervention services that are required for  
29 California's participation in Part C of the federal Individuals with  
30 Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.) for all  
31 infants eligible under Section 95014, except for those infants with  
32 solely a visual, hearing, or severe orthopedic impairment, or any  
33 combination of those impairments, who meet the criteria in  
34 Sections 56026 and 56026.5 of the Education Code, and in Section  
35 3030(a), (b), (d), or (e) of, and Section 3031 of, Title 5 of the  
36 California Code of Regulations.

37 (2) The State Department of Education and local educational  
38 agencies shall be responsible for the provision of appropriate early  
39 intervention services in accordance with Part C of the federal  
40 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431

et seq.) for infants with solely a visual, hearing, or severe orthopedic impairment, or any combination of those impairments, who meet the criteria in Sections 56026 and 56026.5 of the Education Code, and in Section 3030(a), (b), (d), or (e) of, and Section 3031 of, Title 5 of the California Code of Regulations, and who are not eligible for services under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code).

(3) ~~(A)~~—The transfer procedures and timelines, as provided under subdivision (d) of Section 4643.5 of the Welfare and Institutions Code, shall apply if ~~either of the following~~ circumstances pertaining to an eligible infant or toddler are present:

~~(i) The~~ *that the* child ~~(I)~~ (A) has an order for foster care placement, is awaiting foster care placement, or is placed in out-of-home care through voluntary placement as defined in subdivision (o) of Section 11400 of the Welfare and Institutions Code, and ~~(H)~~ (B) transfers between regional centers or local ~~education~~ educational agencies.

~~(ii) The child (I) has an order for foster care placement, is awaiting foster care placement, or is placed in out-of-home care through voluntary placement as defined in subdivision (o) of Section 11400 of the Welfare and Institutions Code, and (H) transfers from a local education agency to a catchment area where there are no services available for the infant or toddler through the new local education agency.~~

~~(B) A child described in clause (ii) of subparagraph (A) shall have the right to receive comparable early intervention services from the new catchment area's regional center, regardless of whether the child has been deemed eligible for provision of and payment for early intervention services through the regional center.~~

(c) For infants and toddlers and their families who are eligible to receive services from both a regional center and a local educational agency, the regional center shall be the agency responsible for providing or purchasing appropriate early intervention services that are beyond the mandated responsibilities of local educational agencies and that are required for California's participation in Part C of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.). The local educational agency shall provide special education services up to its funded

1 program capacity as established annually by the State Department  
2 of Education in consultation with the State Department of  
3 Developmental Services and the Department of Finance.

4 (d) No agency or multidisciplinary team, including any agency  
5 listed in Section 95012, shall presume or determine eligibility,  
6 including eligibility for medical services, for any other agency.  
7 However, regional centers and local educational agencies shall  
8 coordinate intake, evaluation, assessment, and individualized  
9 family service plans for infants and toddlers and their families who  
10 are served by an agency.

11 (e) Upon termination of the program pursuant to Section 95003,  
12 the State Department of Developmental Services shall be  
13 responsible for the payment of services pursuant to this title.

14 SEC. 4. Section 4514 of the Welfare and Institutions Code is  
15 amended to read:

16 4514. All information and records obtained in the course of  
17 providing intake, assessment, and services under Division 4.1  
18 (commencing with Section 4400), Division 4.5 (commencing with  
19 Section 4500), Division 6 (commencing with Section 6000), or  
20 Division 7 (commencing with Section 7100) to persons with  
21 developmental disabilities shall be confidential. Information and  
22 records obtained in the course of providing similar services to  
23 either voluntary or involuntary recipients prior to 1969 shall also  
24 be confidential. Information and records shall be disclosed only  
25 in any of the following cases:

26 (a) In communications between qualified professional persons,  
27 whether employed by a regional center or state developmental  
28 center, or not, in the provision of intake, assessment, and services  
29 or appropriate referrals. The consent of the person with a  
30 developmental disability, or his or her guardian or conservator,  
31 shall be obtained before information or records may be disclosed  
32 by regional center or state developmental center personnel to a  
33 professional not employed by the regional center or state  
34 developmental center, or a program not vendored by a regional  
35 center or state developmental center.

36 (b) When the person with a developmental disability, who has  
37 the capacity to give informed consent, designates individuals to  
38 whom information or records may be released, except that nothing  
39 in this chapter shall be construed to compel a physician and  
40 surgeon, psychologist, social worker, marriage and family therapist,

1 professional clinical counselor, nurse, attorney, or other  
2 professional to reveal information that has been given to him or  
3 her in confidence by a family member of the person unless a valid  
4 release has been executed by that family member.

5 (c) To the extent necessary for a claim, or for a claim or  
6 application to be made on behalf of a person with a developmental  
7 disability for aid, insurance, government benefit, or medical  
8 assistance to which he or she may be entitled.

9 (d) If the person with a developmental disability is a minor,  
10 dependent ward, or conservatee, and his or her parent, guardian,  
11 conservator, limited conservator with access to confidential records,  
12 or authorized representative, designates, in writing, persons to  
13 whom records or information may be disclosed, except that nothing  
14 in this chapter shall be construed to compel a physician and  
15 surgeon, psychologist, social worker, marriage and family therapist,  
16 professional clinical counselor, nurse, attorney, or other  
17 professional to reveal information that has been given to him or  
18 her in confidence by a family member of the person unless a valid  
19 release has been executed by that family member.

20 (e) For research, provided that the Director of Developmental  
21 Services designates by regulation rules for the conduct of research  
22 and requires the research to be first reviewed by the appropriate  
23 institutional review board or boards. These rules shall include, but  
24 need not be limited to, the requirement that all researchers shall  
25 sign an oath of confidentiality as follows:

26  
27 “ \_\_\_\_\_  
28 Date

29  
30 As a condition of doing research concerning persons with  
31 developmental disabilities who have received services from \_\_\_\_\_  
32 (fill in the facility, agency or person), I, \_\_\_\_\_, agree to obtain the  
33 prior informed consent of persons who have received services to  
34 the maximum degree possible as determined by the appropriate  
35 institutional review board or boards for protection of human  
36 subjects reviewing my research, or the person’s parent, guardian,  
37 or conservator, and I further agree not to divulge any information  
38 obtained in the course of the research to unauthorized persons, and  
39 not to publish or otherwise make public any information regarding



1 persons who have received services so those persons who received  
2 services are identifiable.

3 I recognize that the unauthorized release of confidential  
4 information may make me subject to a civil action under provisions  
5 of the Welfare and Institutions Code.

6  
7 \_\_\_\_\_”  
8 Signed  
9

10 (f) To the courts, as necessary to the administration of justice.

11 (g) To governmental law enforcement agencies as needed for  
12 the protection of federal and state elective constitutional officers  
13 and their families.

14 (h) To the Senate Committee on Rules or the Assembly  
15 Committee on Rules for the purposes of legislative investigation  
16 authorized by the committee.

17 (i) To the courts and designated parties as part of a regional  
18 center report or assessment in compliance with a statutory or  
19 regulatory requirement, including, but not limited to, Section  
20 1827.5 of the Probate Code, Sections 1001.22 and 1370.1 of the  
21 Penal Code, and Section 6502 of the Welfare and Institutions Code.

22 (j) To the attorney for the person with a developmental disability  
23 in any and all proceedings upon presentation of a release of  
24 information signed by the person, except that when the person  
25 lacks the capacity to give informed consent, the regional center or  
26 state developmental center director or designee, upon satisfying  
27 himself or herself of the identity of the attorney, and of the fact  
28 that the attorney represents the person, shall release all information  
29 and records relating to the person except that nothing in this article  
30 shall be construed to compel a physician and surgeon, psychologist,  
31 social worker, marriage and family therapist, professional clinical  
32 counselor, nurse, attorney, or other professional to reveal  
33 information that has been given to him or her in confidence by a  
34 family member of the person unless a valid release has been  
35 executed by that family member.

36 (k) Upon written consent by a person with a developmental  
37 disability previously or presently receiving services from a regional  
38 center or state developmental center, the director of the regional  
39 center or state developmental center, or his or her designee, may  
40 release any information, except information that has been given

1 in confidence by members of the family of the person with  
2 developmental disabilities, requested by a probation officer charged  
3 with the evaluation of the person after his or her conviction of a  
4 crime if the regional center or state developmental center director  
5 or designee determines that the information is relevant to the  
6 evaluation. The consent shall only be operative until sentence is  
7 passed on the crime of which the person was convicted. The  
8 confidential information released pursuant to this subdivision shall  
9 be transmitted to the court separately from the probation report  
10 and shall not be placed in the probation report. The confidential  
11 information shall remain confidential except for purposes of  
12 sentencing. After sentencing, the confidential information shall be  
13 sealed.

14 (l) Between persons who are trained and qualified to serve on  
15 “multidisciplinary personnel” teams pursuant to subdivision (d)  
16 of Section 18951. The information and records sought to be  
17 disclosed shall be relevant to the prevention, identification,  
18 management, or treatment of an abused child and his or her parents  
19 pursuant to Chapter 11 (commencing with Section 18950) of Part  
20 6 of Division 9.

21 (m) When a person with a developmental disability dies from  
22 any cause, natural or otherwise, while hospitalized in a state  
23 developmental center, the State Department of Developmental  
24 Services, the physician and surgeon in charge of the client, or the  
25 professional in charge of the facility or his or her designee, shall  
26 release information and records to the coroner. The State  
27 Department of Developmental Services, the physician and surgeon  
28 in charge of the client, or the professional in charge of the facility  
29 or his or her designee, shall not release any notes, summaries,  
30 transcripts, tapes, or records of conversations between the resident  
31 and health professional personnel of the hospital relating to the  
32 personal life of the resident that is not related to the diagnosis and  
33 treatment of the resident’s physical condition. Any information  
34 released to the coroner pursuant to this section shall remain  
35 confidential and shall be sealed and shall not be made part of the  
36 public record.

37 (n) To authorized licensing personnel who are employed by, or  
38 who are authorized representatives of, the State Department of  
39 Public Health, and who are licensed or registered health  
40 professionals, and to authorized legal staff or special investigators

1 who are peace officers who are employed by, or who are authorized  
2 representatives of, the State Department of Social Services, as  
3 necessary to the performance of their duties to inspect, license,  
4 and investigate health facilities and community care facilities, and  
5 to ensure that the standards of care and services provided in these  
6 facilities are adequate and appropriate and to ascertain compliance  
7 with the rules and regulations to which the facility is subject. The  
8 confidential information shall remain confidential except for  
9 purposes of inspection, licensing, or investigation pursuant to  
10 Chapter 2 (commencing with Section 1250) and Chapter 3  
11 (commencing with Section 1500) of Division 2 of the Health and  
12 Safety Code, or a criminal, civil, or administrative proceeding in  
13 relation thereto. The confidential information may be used by the  
14 State Department of Public Health or the State Department of  
15 Social Services in a criminal, civil, or administrative proceeding.  
16 The confidential information shall be available only to the judge  
17 or hearing officer and to the parties to the case. Names which are  
18 confidential shall be listed in attachments separate to the general  
19 pleadings. The confidential information shall be sealed after the  
20 conclusion of the criminal, civil, or administrative hearings, and  
21 shall not subsequently be released except in accordance with this  
22 subdivision. If the confidential information does not result in a  
23 criminal, civil, or administrative proceeding, it shall be sealed after  
24 the State Department of Public Health or the State Department of  
25 Social Services decides that no further action will be taken in the  
26 matter of suspected licensing violations. Except as otherwise  
27 provided in this subdivision, confidential information in the  
28 possession of the State Department of Public Health or the State  
29 Department of Social Services shall not contain the name of the  
30 person with a developmental disability.

31 (o) To any board which licenses and certifies professionals in  
32 the fields of mental health and developmental disabilities pursuant  
33 to state law, when the Director of Developmental Services has  
34 reasonable cause to believe that there has occurred a violation of  
35 any provision of law subject to the jurisdiction of a board and the  
36 records are relevant to the violation. The information shall be  
37 sealed after a decision is reached in the matter of the suspected  
38 violation, and shall not subsequently be released except in  
39 accordance with this subdivision. Confidential information in the

1 possession of the board shall not contain the name of the person  
2 with a developmental disability.

3 (p) To governmental law enforcement agencies by the director  
4 of a regional center or state developmental center, or his or her  
5 designee, when (1) the person with a developmental disability has  
6 been reported lost or missing or (2) there is probable cause to  
7 believe that a person with a developmental disability has  
8 committed, or has been the victim of, murder, manslaughter,  
9 mayhem, aggravated mayhem, kidnapping, robbery, carjacking,  
10 assault with the intent to commit a felony, arson, extortion, rape,  
11 forcible sodomy, forcible oral copulation, assault or battery, or  
12 unlawful possession of a weapon, as provided in any provision  
13 listed in Section 16590 of the Penal Code.

14 This subdivision shall be limited solely to information directly  
15 relating to the factual circumstances of the commission of the  
16 enumerated offenses and shall not include any information relating  
17 to the mental state of the patient or the circumstances of his or her  
18 treatment unless relevant to the crime involved.

19 This subdivision shall not be construed as an exception to, or in  
20 any other way affecting, the provisions of Article 7 (commencing  
21 with Section 1010) of Chapter 4 of Division 8 of the Evidence  
22 Code, or Chapter 11 (commencing with Section 15600) and  
23 Chapter 13 (commencing with Section 15750) of Part 3 of Division  
24 9.

25 (q) To the Division of Juvenile Facilities and Department of  
26 Corrections and Rehabilitation or any component thereof, as  
27 necessary to the administration of justice.

28 (r) To an agency mandated to investigate a report of abuse filed  
29 pursuant to either Section 11164 of the Penal Code or Section  
30 15630 of the Welfare and Institutions Code for the purposes of  
31 either a mandated or voluntary report or when those agencies  
32 request information in the course of conducting their investigation.

33 (s) When a person with developmental disabilities, or the parent,  
34 guardian, or conservator of a person with developmental disabilities  
35 who lacks capacity to consent, fails to grant or deny a request by  
36 a regional center or state developmental center to release  
37 information or records relating to the person with developmental  
38 disabilities within a reasonable period of time, the director of the  
39 regional or developmental center, or his or her designee, may

1 release information or records on behalf of that person provided  
2 both of the following conditions are met:

3 (1) Release of the information or records is deemed necessary  
4 to protect the person's health, safety, or welfare.

5 (2) The person, or the person's parent, guardian, or conservator,  
6 has been advised annually in writing of the policy of the regional  
7 center or state developmental center for release of confidential  
8 client information or records when the person with developmental  
9 disabilities, or the person's parent, guardian, or conservator, fails  
10 to respond to a request for release of the information or records  
11 within a reasonable period of time. A statement of policy contained  
12 in the client's individual program plan shall be deemed to comply  
13 with the notice requirement of this paragraph.

14 (t) (1) When an employee is served with a notice of adverse  
15 action, as defined in Section 19570 of the Government Code, the  
16 following information and records may be released:

17 (A) All information and records that the appointing authority  
18 relied upon in issuing the notice of adverse action.

19 (B) All other information and records that are relevant to the  
20 adverse action, or that would constitute relevant evidence as  
21 defined in Section 210 of the Evidence Code.

22 (C) The information described in subparagraphs (A) and (B)  
23 may be released only if both of the following conditions are met:

24 (i) The appointing authority has provided written notice to the  
25 consumer and the consumer's legal representative or, if the  
26 consumer has no legal representative or if the legal representative  
27 is a state agency, to the clients' rights advocate, and the consumer,  
28 the consumer's legal representative, or the clients' rights advocate  
29 has not objected in writing to the appointing authority within five  
30 business days of receipt of the notice, or the appointing authority,  
31 upon review of the objection has determined that the circumstances  
32 on which the adverse action is based are egregious or threaten the  
33 health, safety, or life of the consumer or other consumers and  
34 without the information the adverse action could not be taken.

35 (ii) The appointing authority, the person against whom the  
36 adverse action has been taken, and the person's representative, if  
37 any, have entered into a stipulation that does all of the following:

38 (I) Prohibits the parties from disclosing or using the information  
39 or records for any purpose other than the proceedings for which  
40 the information or records were requested or provided.

(II) Requires the employee and the employee's legal representative to return to the appointing authority all records provided to them under this subdivision, including, but not limited to, all records and documents or copies thereof that are no longer in the possession of the employee or the employee's legal representative because they were from any source containing confidential information protected by this section, and all copies of those records and documents, within 10 days of the date that the adverse action becomes final except for the actual records and documents submitted to the administrative tribunal as a component of an appeal from the adverse action.

(III) Requires the parties to submit the stipulation to the administrative tribunal with jurisdiction over the adverse action at the earliest possible opportunity.

(2) For the purposes of this subdivision, the State Personnel Board may, prior to any appeal from adverse action being filed with it, issue a protective order, upon application by the appointing authority, for the limited purpose of prohibiting the parties from disclosing or using information or records for any purpose other than the proceeding for which the information or records were requested or provided, and to require the employee or the employee's legal representative to return to the appointing authority all records provided to them under this subdivision, including, but not limited to, all records and documents from any source containing confidential information protected by this section, and all copies of those records and documents, within 10 days of the date that the adverse action becomes final, except for the actual records and documents that are no longer in the possession of the employee or the employee's legal representatives because they were submitted to the administrative tribunal as a component of an appeal from the adverse action.

(3) Individual identifiers, including, but not limited to, names, social security numbers, and hospital numbers, that are not necessary for the prosecution or defense of the adverse action, shall not be disclosed.

(4) All records, documents, or other materials containing confidential information protected by this section that have been submitted or otherwise disclosed to the administrative agency or other person as a component of an appeal from an adverse action shall, upon proper motion by the appointing authority to the

1 administrative tribunal, be placed under administrative seal and  
2 shall not, thereafter, be subject to disclosure to any person or entity  
3 except upon the issuance of an order of a court of competent  
4 jurisdiction.

5 (5) For purposes of this subdivision, an adverse action becomes  
6 final when the employee fails to answer within the time specified  
7 in Section 19575 of the Government Code, or, after filing an  
8 answer, withdraws the appeal, or, upon exhaustion of the  
9 administrative appeal or of the judicial review remedies as  
10 otherwise provided by law.

11 (u) ~~(1) To the person appointed as the education rights holder~~  
12 ~~for an infant or toddler who is eligible to receive services pursuant~~  
13 ~~to Title 14 (commencing with Section 95000) of the Government~~  
14 ~~Code, or the developmental services decisionmaker for a minor,~~  
15 ~~dependent, or ward pursuant to Section 319, 361, or 726.~~

16 ~~(v) Notwithstanding~~

17 (2) *Notwithstanding* subdivision (a) of Section 4725 or any other  
18 law, any consumer or infant or toddler receiving early intervention  
19 services who ~~(1) (A) has an order for foster care placement, (2)~~  
20 ~~(B) is awaiting foster care placement, or (3) (C) is placed in~~  
21 ~~out-of-home care through voluntary placement as defined in~~  
22 ~~subdivision (o) of Section 11400, shall be entitled, directly or~~  
23 ~~through his or her legally authorized representative, attorney,~~  
24 ~~education rights holder, or developmental services decisionmaker,~~  
25 ~~to a complete copy, or any requested portion thereof, at no charge,~~  
26 ~~of his or her regional center records, as defined in subdivision (b)~~  
27 ~~of Section 4725, upon presenting to the regional center a written~~  
28 ~~request stating that the records are needed to support an application~~  
29 ~~or appeal regarding eligibility for a public benefit program. This~~  
30 ~~paragraph shall not be construed to allow the release of any~~  
31 ~~records in violation of the federal Health Insurance Portability~~  
32 ~~and Accountability Act of 1996 (Public Law 104-191) and the~~  
33 ~~federal Family Educational Rights and Privacy Act of 1974 (20~~  
34 ~~U.S.C. Section 1232g).~~

35 ~~(w)~~

36 (v) To a protection and advocacy agency established pursuant  
37 to Section 4901, to the extent that the information is incorporated  
38 within any of the following:

39 (1) An unredacted facility evaluation report form or an  
40 unredacted complaint investigation report form of the State

1 Department of Social Services. This information shall remain  
2 confidential and subject to the confidentiality requirements of  
3 subdivision (f) of Section 4903.

4 (2) An unredacted citation report, unredacted licensing report,  
5 unredacted survey report, unredacted plan of correction, or  
6 unredacted statement of deficiency of the State Department of  
7 Public Health, prepared by authorized licensing personnel or  
8 authorized representatives described in subdivision (n). This  
9 information shall remain confidential and subject to the  
10 confidentiality requirements of subdivision (f) of Section 4903.

11 SEC. 5. Section 4643.5 of the Welfare and Institutions Code  
12 is amended to read:

13 4643.5. (a) If a consumer is or has been determined to be  
14 eligible for services by a regional center, he or she shall also be  
15 considered eligible by any other regional center if he or she has  
16 moved to another location within the state.

17 (b) An individual who is determined by any regional center to  
18 have a developmental disability shall remain eligible for services  
19 from regional centers unless a regional center, following a  
20 comprehensive reassessment, concludes that the original  
21 determination that the individual has a developmental disability  
22 is clearly erroneous.

23 (c) Whenever a consumer transfers from one regional center  
24 catchment area to another, the level and types of services and  
25 supports specified in the consumer's individual program plan (*IPP*)  
26 shall be authorized and secured, if available, pending the  
27 development of a new ~~individual program plan~~ (*IPP*) for the  
28 consumer. If these services and supports do not exist, the regional  
29 center shall convene a meeting to develop a new ~~individual~~  
30 ~~program plan~~ (*IPP*) within 30 days. Prior to approval of the new  
31 ~~individual program plan~~ (*IPP*), the regional center shall provide  
32 alternative services and supports that best meet the ~~individual~~  
33 ~~program plan~~ (*IPP*) objectives in the least restrictive setting. The  
34 department shall develop guidelines that describe the  
35 responsibilities of regional centers in ensuring a smooth transition  
36 of services and supports from one regional center to another,  
37 including, but not limited to, pretransferring planning and a dispute  
38 resolution process to resolve disagreements between regional  
39 centers regarding their responsibilities related to the transfer of  
40 case management services.



(d) (1) If a consumer is transferring from one regional center's catchment area to ~~that of another~~ *a different* regional center's catchment area and ~~(1) (A) has an order for foster care placement, (2) (B) is awaiting foster care placement, or (3) (C) is placed in out-of-home care through voluntary placement as defined in subdivision (o) of Section 11400 of the Welfare and Institutions Code, the following shall apply: 11400, paragraph (2) shall apply.~~

(A) (i) ~~The sending regional center shall prepare and send the physical case file to the receiving regional center no later than two business days following the receipt of notice that the consumer has moved out of the sending regional center's catchment area. For purposes of this subdivision, this notice of relocation shall be immediately provided to the sending regional center by the county social worker or county probation officer. Notice of relocation may also be provided by the caregiver, the consumer's attorney or a court-appointed special advocate, or the court itself. Notice shall be deemed received when the sending regional center is notified either verbally or in writing by any of the above.~~

~~(ii) Upon receiving notice, the sending regional center shall notify the receiving regional center of the consumer's relocation, including the person's name and age, and a list of services currently listed in the individualized family service plan (IFSP) or individual program plan (IPP).~~

(2) (A) *The county social worker or county probation officer shall immediately send a notice of relocation regarding a consumer who meets the criteria set forth in paragraph (1). The consumer's court-appointed attorney may also provide written notice of relocation. The notice of relocation shall be deemed received when the sending regional center receives written notice of relocation.*

(B) *Upon receiving the notice of relocation, the sending regional center shall immediately send a notice of transfer, by priority mail, facsimile, or electronic mail, to the receiving regional center.*

(C) *The sending regional center shall prepare and send the physical case file to the receiving regional center no later than 10 business days following the receipt of the notice of relocation.*

~~(B)~~

(3) *The receiving regional center shall accept financial responsibility for the consumer's case and notify the caregiver, parent, if education rights have not been terminated, educational*

1 *rights holder or developmental services decisionmaker, as*  
2 *applicable, county social worker or county probation officer, as*  
3 *applicable, and county placing agency of the assignment of a*  
4 *service coordinator, within two business days of receipt of the*  
5 *physical file notice of transfer.*

6 ~~(C) Services~~

7 *(4) (A) Notwithstanding subdivision (g) of Section 4646,*  
8 *services and supports, as provided for in the consumer's current*  
9 ~~IFSP or IPP~~, shall commence within five business days from the  
10 date the sending regional center received the notice of relocation.

11 ~~(D)~~

12 *(B) If identical services to those provided in the existing IFSP*  
13 ~~or IPP~~ are not available, the receiving regional center shall, *within*  
14 *five business days of the notice of relocation*, provide comparable  
15 services until a new ~~IFSP or IPP~~ meeting can be held to determine  
16 appropriate services. *In all cases, a new IPP meeting shall be held*  
17 *within 30 calendar days after the notice of relocation is sent.*

18 ~~(E) The sending regional center may choose to continue to serve~~  
19 ~~the consumer and not transfer the case to the regional center in the~~  
20 ~~person's new catchment area only if the sending regional center~~  
21 ~~continues to provide all the services as agreed upon in the~~  
22 ~~consumer's IPP or IFSP. The sending regional center shall notify~~  
23 ~~the regional center in the person's new catchment area within two~~  
24 ~~days of the person's move that the sending regional center shall~~  
25 ~~continue to provide services.~~

26 *(C) In preparation for the new IPP meeting, as described in*  
27 *subparagraph (B), the receiving regional center shall, within three*  
28 *business days after receiving the notice of transfer, contact the*  
29 *consumer's county social worker or county probation officer to*  
30 *determine the legal status of the consumer's case. If the parent's,*  
31 *guardian's, or current developmental services decisionmaker's*  
32 *rights have not been limited, the receiving regional center shall*  
33 *immediately attempt to notify the individual of the IPP meeting*  
34 *described in subparagraph (B) and confirm the individual's intent*  
35 *to participate in the IPP meeting. The attempts to notify the*  
36 *individual shall occur daily by telephone or in writing on three*  
37 *consecutive business days after the notice of transfer is received.*  
38 *All attempts to notify the individual of the IPP meeting shall be*  
39 *documented in the consumer's file.*

1 (D) After three failed attempts to notify and obtain confirmation  
2 of participation in the IPP meeting described in subparagraph  
3 (B), the receiving regional center shall immediately provide written  
4 notice to the court of jurisdiction, to the county placing agency,  
5 and to the consumer's attorney that the appointment of a new  
6 developmental services decisionmaker may be necessary.

7 (E) Services shall continue to be provided pursuant to  
8 subparagraph (A), pending the court's appointment of a  
9 developmental services decisionmaker, pursuant to subdivision  
10 (g) of Section 319, subdivision (a) of Section 361, or subdivision  
11 (b) of Section 726.

12 (5) In the case of a consumer receiving services under the  
13 California Early Intervention Program pursuant to Title 14  
14 (commencing with Section 95000) of the Government Code, the  
15 following procedures shall apply:

16 (A) All services for which additional consent is not necessary  
17 shall be initiated by the receiving regional center within five  
18 business days of notice of relocation.

19 (B) If identical services to those provided in the existing  
20 individualized family service plan (IFSP) are not available, the  
21 receiving regional center shall, within five business days from  
22 receipt of the notice of relocation, provide comparable services  
23 until a new IFSP meeting can be held to determine appropriate  
24 services. In all cases, a new IFSP meeting shall be held within 30  
25 days of receipt of the notice of relocation.

26 (C) (i) If additional consent is required before implementing  
27 any services upon receiving the notice of transfer, the receiving  
28 regional center shall immediately attempt to obtain consent from  
29 the parent, guardian, or education rights holder, as applicable.  
30 The attempts to obtain consent shall occur daily by telephone or  
31 in writing on three consecutive business days after the notice of  
32 transfer is received. All attempts to obtain consent shall be  
33 documented in the consumer's file.

34 (ii) After three failed attempts to obtain consent in the  
35 consecutive three business days from the receipt of the notice of  
36 transfer, the receiving regional center shall immediately do both  
37 of the following:

38 (I) Appoint an interim surrogate parent pursuant to Section  
39 303.422 of Title 34 of the Code of Federal Regulations and Section  
40 52175 of Title 17 of the California Code of Regulations and give

1 *preference to a current caregiver, relative, or other adult known*  
2 *to the child over someone who is not known to the child.*

3 *(II) Provide written notice to the court of jurisdiction, to the*  
4 *county social worker or county probation officer, as applicable,*  
5 *and to the consumer's attorney that an appointment of a new*  
6 *educational rights holder may be necessary and that the receiving*  
7 *regional center has appointed an interim surrogate parent.*

8 *(iii) The receiving regional center's appointment of an interim*  
9 *surrogate parent shall be temporary, and shall be superseded by*  
10 *the court's appointment of an education rights holder, pursuant*  
11 *to subdivision (g) of Section 319, subdivision (a) of Section 361,*  
12 *or subdivision (b) of Section 726, as applicable.*

13 *(D) If the receiving regional center has undertaken the*  
14 *procedures described in clauses (i) and (ii) of subparagraph (C),*  
15 *and has documented those efforts in the consumer's case file, the*  
16 *timeline for initiating services shall be eight business days from*  
17 *the receipt of the notice of relocation.*

18 *(6) The regional center of origin and the consumer's parent,*  
19 *education rights holder, or developmental services decisionmaker,*  
20 *as applicable, may agree that the regional center of origin will*  
21 *continue to serve the consumer and not transfer the case to the*  
22 *regional center in the consumer's new catchment area only if the*  
23 *regional center of origin continues to provide all of the services*  
24 *in the consumer's IPP or IFSP. The regional center of origin shall*  
25 *notify the regional center in the consumer's new catchment area*  
26 *within two business days of the receipt of the notice of relocation*  
27 *that the regional center of origin will continue to provide services*  
28 *despite the consumer's relocation.*

29 *(7) For purposes of this section, initiation of services means the*  
30 *point at which the consumer begins to receive a particular service*  
31 *and may include assessment procedures for services, if necessary,*  
32 *if those services begin immediately following the completion of*  
33 *the assessment.*

34 ~~(F)~~  
35 ~~(8) The requirements procedures and timelines set forth in~~  
36 ~~subparagraphs (A) paragraphs (1) to (E), (7), inclusive, as~~  
37 ~~applicable, shall apply to local-education educational agencies,~~  
38 ~~as set forth in Section 56426.10 of the Education Code.~~

39 *(e) For purposes of this section, the term "consumer" shall refer*  
40 *the following definitions shall apply:*

1     (1) “Consumer” refers to individuals as defined in Section 4512  
2     and any eligible infant or toddler, as defined in Section 95014 of  
3     the Government Code.

4     (2) “Notice of relocation” means a written notice informing a  
5     regional center that currently serves a consumer described in  
6     subdivision (d) that the consumer has been relocated to a foster  
7     home that is located in a catchment area that is not served by that  
8     regional center. “Notice of relocation” includes, at a minimum,  
9     the consumer’s name, date of birth, and current address, and the  
10    name of the consumer’s caregiver.

11    (3) “Notice of transfer” means a written notice that a consumer  
12    described in paragraph (1) of subdivision (d) is transferring from  
13    a regional center located in one catchment area to a regional  
14    center located in a different catchment area and includes, at a  
15    minimum, the following information:

16    (A) The consumer’s name and date of birth.

17    (B) The name and contact information of the consumer’s parent,  
18    or the consumer’s education right holder or developmental services  
19    decisionmaker, if applicable.

20    (C) The name and contact information for the consumer’s  
21    current caregiver.

22    (D) A copy of the consumer’s current IFSP or IPP.

23    SEC. 6. If the Commission on State Mandates determines that  
24    this act contains costs mandated by the state, reimbursement to  
25    local agencies and school districts for those costs shall be made  
26    pursuant to Part 7 (commencing with Section 17500) of Division  
27    4 of Title 2 of the Government Code.